

Official

7/8/03

REMARKS

The Examiner objected to Claim 2, in making this objection the Examiner stated that "said memory" lacked antecedent basis. The above amendment to Claim 2 cures this defect.

The Examiner rejected Claims 1-6 under 35 U.S.C., 103(a) as being unpatentable over US Pat No. 6,079,030 of Masubuchi in view of Applicant's admitted prior art, referred hereinafter "AAPA". Applicant traverses this rejection with respect to Claims 5 and 6, and Applicant submits that Claims 1-4, as amended above, are patentable over cited art.

With reference to Claim 1, the Examiner looks to Masubuchi as teaching the limitations of the claim with the exception of the FIFO buffer. The Examiner looks to the reference cited in the present application as teaching a FIFO buffer for use in a error recovery computer system. The system taught in Masubuchi stores the contents of each cache line that was overwritten in a buffer together with the address of the cache line. An entry is made each time a cache line is overwritten, whether or not a previous copy of that cache line is in the buffer. As pointed out in the present application, such a system wastes buffer space, and hence, a much larger buffer is needed. In contrast, the present invention only stores a copy of the cache line the first time that cache line is written during the current checkpoint cycle, and hence, requires a much smaller buffer. The above amendment to Claim 1 distinguishes the present invention over that taught in Masubuchi by making it clear that a copy of a cache line is not stored on subsequent writes to the same address during the current checkpoint cycle.

In regards to Claim 5, the Examiner admits that Masubuchi does not teach reconfiguring said computer system before restarting the computer. The Examiner maintains that it would be obvious to make such a modification in the teachings of Masubuchi because Applicant states that it would be obvious to do so at page 9, lines 12-17 of Applicant's disclosure. Applicant must disagree with the Examiner's reading of Applicant's disclosure. The cited passage states that based on the **preceding discussion in Applicant's disclosure**, it would be obvious to add this feature. Hindsight reconstruction based on Applicant's disclosure is not a permissible method for constructing a rejection under 35 U.S.C. 103. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 5.

In regards to Claim 6, the Examiner stated that Masubuchi discloses a computer system wherein said application memory comprises a fault tolerant memory. The Examiner points to figure 10, item 28 and figures 1-3 item 33 and col. 1, lines 49-53 of Masubuchi as teaching a fault tolerant memory. Applicant must disagree with the Examiner's reading of Masubuchi. The passage cited by the Examiner does not teach any form of fault tolerant memory. Furthermore, Applicant can find no reference to any form of fault tolerant memory in Masubuchi with reference to items 28 and 33 cited by the Examiner. Accordingly, Applicant submits that the Examiner has not made a *prima facie* case for obviousness with respect to Claim 6.

The Examiner indicated that Claims 7-9 would be allowable if rewritten in independent form. The above amendments place these claims in independent form.

I hereby certify that this paper is being sent by FAX to 703-746-7239.

Respectfully Submitted,



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Date: July 8, 2003

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